

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THE PENNSYLVANIA STATE
UNIVERSITY,

Plaintiff,

v.

VINTAGE BRAND, LLC;
SPORTSWEAR, INC., d/b/a PREP
SPORTSWEAR; and CHAD
HARTVIGSON,

Defendants.

No. 4:21-CV-1091

(Chief Judge Brann)

VERDICT FORM

November 19, 2024

Members of the Jury:

Answer the questions on this form as instructed by the Court. When you have completed the verdict form, each juror must sign and date the last page of the form. The foreperson should then seal the verdict form in an envelope and indicate to the bailiff that you have reached a unanimous verdict.

Question One

Did the Plaintiff prove by a preponderance of the evidence that any of the following Defendants infringed Plaintiff's alleged "PENN STATE" trademark?

Vintage Brand LLC ✓ YES _____ NO
 Sportswear, Inc. ✓ YES _____ NO
 Chad Hartvigson ✓ YES _____ NO

Proceed to Question Two

Question Two

Did the Plaintiff prove by a preponderance of the evidence that any of the following Defendants infringed Plaintiff's alleged "THE PENNSYLVANIA STATE UNIVERSITY" trademark?

Vintage Brand LLC ✓ YES _____ NO
 Sportswear, Inc. _____ YES ✓ NO
 Chad Hartvigson ✓ YES _____ NO

Proceed to Question Three

Question Three

Did the Plaintiff prove by a preponderance of the evidence that any of the following Defendants infringed Plaintiff's alleged Lion Shrine Logo One trademark?

Vintage Brand LLC ✓ YES _____ NO

Sportswear, Inc. ✓ YES _____ NO

Chad Hartvigson ✓ YES _____ NO

Proceed to Question Four

Question Four

Did the Plaintiff prove by a preponderance of the evidence that any of the following Defendants infringed Plaintiff's alleged Lion Shrine Logo Two trademark?

Vintage Brand LLC ✓ YES _____ NO

Sportswear, Inc. ✓ YES _____ NO

Chad Hartvigson ✓ YES _____ NO

Proceed to Question Five

Question Five

Did the Plaintiff prove by a preponderance of the evidence that any of the following Defendants infringed Plaintiff's alleged Pozniak Lion Logo trademark?

Vintage Brand LLC ✓ YES _____ NO
 Sportswear, Inc. ✓ YES _____ NO
 Chad Hartvigson ✓ YES _____ NO

Proceed to Question Six

Question Six

Did the Plaintiff prove by a preponderance of the evidence that any of the following Defendants infringed Plaintiff's alleged Penn State Seal Logos trademark?

Vintage Brand LLC ✓ YES _____ NO
 Sportswear, Inc. ✓ YES _____ NO
 Chad Hartvigson ✓ YES _____ NO

Proceed to Question Seven

Question Seven

Did the Plaintiff prove by a preponderance of the evidence that any of the following Defendants infringed Plaintiff's alleged S-Lion Logo trademark?

Vintage Brand LLC ✓ YES _____ NO
 Sportswear, Inc. ✓ YES _____ NO

Chad Hartvigson ☒ YES ☐ NO

Proceed to Question Eight

Question Eight

Have Defendants proven by a preponderance of the evidence that the Penn State Seal Logos should be canceled?

☐ YES ☒ NO

If you answered no to Questions One through Seven, you are finished with this verdict form. Please proceed to page eight of this form to sign and complete the form. If you have answered yes to one or more of Questions One through Seven, please proceed to Question Nine.

Question Nine

If you answered yes to any of questions One through Seven, have Defendants proven by a preponderance of the evidence that Vintage Brand's use of any of the trademarks on its website constitutes nominative fair use?

☐ YES ☒ NO

Proceed to Question Ten

Question Ten

If you answered yes to any of questions One through Seven, have Defendants proven by a preponderance of the evidence that the trademarks are aesthetically functional?

_____ YES ✓ NO

If you have answered yes to Question Ten, you are finished with this verdict form.

Please proceed to page eight of this form to sign and complete the form. If you have answered no to Question Ten, please proceed to Question Eleven.

Question Eleven

Do you find that the Defendant(s)' conduct in infringing on any of the Plaintiff's trademarks was willful? Please answer "N/A" if you concluded that the specific Defendant is not liable for trademark infringement.

Vintage Brand LLC ✓ YES _____ NO _____ N/A
 If yes, indicate which trademarks Penn State, The Pennsylvania State University Lion Shrine Logo One, Lion Shrine Logo Two, Pozniak Lion, Penn State Seal, S-Lion

Sportswear, Inc. ✓ YES _____ NO _____ N/A
 If yes, indicate which trademarks Penn State, Lion Shrine Logo One, Lion Shrine Logo Two, Pozniak Lion, Penn State Seal, S-Lion

Chad Hartvigson ✓ YES _____ NO _____ N/A
 If yes, indicate which trademarks Penn State, The Pennsylvania State University Lion Shrine Logo One, Lion Shrine Logo Two, Pozniak Lion, Penn State Seal, S-Lion

Proceed to Question Twelve

Question Twelve

Do you find that the Plaintiff is entitled to compensatory damages?

✓ YES _____ NO

If you answer yes, what amount is the Plaintiff entitled to recover?

\$ 28,000.00

You have completed the verdict form. Each juror must sign and date the next page. The foreperson should then seal the verdict form in an envelope and press the buzzer to inform the bailiff that you have reached a verdict.

SIGNATURES

	JUROR NAME	DATE
1		11/19/24
2		11/19/24
3		11/19/24
4		11/19/24
5		11/19/24
6		11/19/24
7		11/19/24
8		11/19/24